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असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 7th September, 2007:—

BILL NO. 52 OF 2007

A Bill to amend the National Rural Employment Guarantee Act, 2005.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the National Rural Employment Guarantee (Amendment) Act, 2007.

Short title
and com-
mencement.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

42 of 2005.

2. In section 6 of the National Rural Employment Guarantee Act, 2005, in sub-section (1), in the second proviso, for the words “sixty rupees per day”, the words, “one hundred fifty rupees per day” shall be substituted.

Amendment
of section 6.

STATEMENT OF OBJECTS AND REASONS

The National Rural Employment Guarantee Act, 2005 is being implemented in the selected districts of the country wherein every household in rural areas is being provided with unskilled manual work for not less than one hundred days in a financial year. Under section 6(1) of the chapter III of the Act, the wages has been fixed at not less than rupees 60 per day. Any worker who is provided with work for one hundred days in a financial year can earn a maximum wages of rupees six thousand only. It means that the family of the worker would be living only with rupees five hundred per month.

Keeping in view the rising prices of essential commodities and changing lifestyle, it is virtually impossible for any household to have a decent standard of living on a monthly income of five hundred rupees. It is imperative to increase this amount. It is impossible to ensure nutritious diet etc. at such a meagre wages for the poor families of agricultural workers, tribals engaged in agricultural work. For want of nutritious diet, 75 per cent of children are underweight in the country. Further, in the absence of nutritious diet, the rural populace is becoming victim to infectious diseases. Hence, the wages provided under the National Rural Employment Guarantee Act, 2005 appears meagre and there is an urgent need to increase the wages so as to enhance their purchasing power and intake of nutritious food. In order to enable a respectable livelihood and an increase in the intake of nutritious diet of the rural household, it appears reasonable that the daily wages be fixed at least at rupees one hundred fifty per day under this Act.

Hence this Bill.

NEW DELHI;
April 18, 2007.

HANSRAJ GANGARAMJI AHIR

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for increasing the daily wages from rupees sixty to rupees one hundred fifty. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees ten thousand crore. A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

BILL NO. 54 OF 2007

A Bill to provide for the constitution of an Agricultural Land Acquisition Regulatory Authority for the purpose of regulation of land acquisition in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Agricultural Land Acquisition Regulatory Authority Act, 2007.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "agricultural land" means such land where any crop has been grown through cultivation at any time during the preceding ten years or any land having any forest cover;

(b) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(c) "Authority" means the Agricultural Land Acquisition Regulatory Authority constituted under section 3 of this Act; and

(d) "prescribed" means prescribed by rules made under this Act.

3. The Central Government shall constitute a regulatory authority for regulation of acquisition of agricultural land to be known as the Agricultural Land Acquisition Regulatory Authority.

Agricultural
Land
Acquisition
Regulatory
Authority.

4. (1) The Authority shall consist of:—

Composition
of the
Authority.

(i) a retired judge of Supreme Court who shall be the Chairperson;

(ii) five members having at least ten years experience of teaching in agriculture universities and who shall be appointed in such manner as may be prescribed; and

(iii) five other members having special knowledge in the field of agriculture to be appointed in such manner as may be prescribed.

(2) The Chairperson and other members of the Authority shall hold office for a period of five years.

(3) The headquarters of the Authority shall be at Nagpur in the State of Maharashtra.

(4) The Authority shall have its office in every State/Union territory.

(5) The Central Government shall provide such number of officers and staff to the Authority as are required for its efficient functioning.

5. The Authority shall perform the following functions:—

Functions of
the Authority.

(a) collection of data pertaining to agricultural land in all the States;

(b) monitoring all agricultural land acquisition in the country;

(c) issuing prohibition order on acquisition of agricultural land wherever necessary;

(d) issuing no objection certificate for agricultural land acquisition; and

(e) conducting *suo motu* inquiry into any specific acquisition of agricultural land in such manner as may be prescribed.

6. (1) After the commencement of this Act, it shall be mandatory for every authority or agency under the State Government or the Central Government to obtain a no-objection certificate from the Authority for acquisition of land in such manner as may be prescribed.

Land not to
be acquired
without no-
objection
certificate
from the
Authority.

(2) Before issuing any no-objection certificate under sub-section (1), the Authority shall satisfy itself by verifying relevant documents or visiting the site that the land being acquired by the appropriate Government is not an agricultural land or, if it is an agricultural land, circumstances exist warranting the acquisition of such land.

(3) The Authority shall give its decision regarding issue of no-objection certificate not later than three months from the date of receipt of application for a no-objection certificate.

7. Any person violating the provisions of this Act shall be punished with an imprisonment which may extend to three years and a fine which shall not be less than ten per cent. of the market value of the land acquired.

Punishment

8. The Central Government shall provide adequate funds to the Authority for meeting the expenditure relating to its offices, infrastructure and for implementing the provisions of this Act.

Central
Government
to provide
adequate funds.

Power to
remove
difficulty.

9. If any difficulty arises in implementing the provisions of this Act, the Central Government shall have power to issue such orders not inconsistent with the provisions of this Act by notification in the Official Gazette as are required to remove such difficulty.

Power to make
rules.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

As a result of population explosion, the pressure on resources of earth is on a constant increase year after year. At present the size of rural population is more than 70 crore. About two decades ago 18.5 crore hectare of land catered to the requirements of almost 80 crore people. But the present scenario is that 18 crore 29 lakh hectares of land is catering to the needs of nearly 120 crore people. With increase in population and stagnant land availability, the food security may no longer be there. Surveys conducted by Planning Commission, National Sample Survey Organisation (NSSO) and other agencies have all confirmed that size of arable land in the country is shrinking because fertile land is being sacrificed in the name of urbanization and industrialisation. We are already witnessing that more and more farmers are turning landless.

There is no sensitization on the part of either planners or the Government towards the fact that fertile land is a finite resource and needs to be conserved. That is why, the per capita land availability which was 0.27 hectare in 1980 has come down to less than 0.20 hectare now. What is truly surprising is the fact that most of the new urbanization or industrialisation is happening on land that is cultivable whereas the barren land which is about 7.7 crore hectare remains untouched. It would have been more practical and less damaging if this land was used for urbanization and industrialisation. But the Governments keep on acquiring cultivable land for non-agricultural purposes. The problem is compounded when it is realized that about 19 lakh acres of land is under litigation and 20 lakh acres of land is to be distributed under the Land Reforms Acts.

On the one hand per capita land availability is declining, on the other hand almost 32 per cent population of the country is landless. The concept of Special Economic Zones (SEZs) is likely to make lakhs of farmers landless. As per an estimate, 3 lakh hectares of land is to be acquired for SEZs. Most of this land is likely to be acquired from the farmers. The acquisition of agricultural land is already causing dissatisfaction amongst farmers and at many places the protests have turned violent. The decline in agricultural land may give rise to a number of problems such as the question of food security, increase in import of foodgrains and resultant dependence on other countries for our foodgrain requirements. Therefore, it is wrong to acquire agricultural land for non-agricultural purposes.

It is felt that legislation is needed to monitor and regulate the process of land acquisition in the country. Therefore, a Bill is proposed to set up an Agricultural Land Acquisition Regulatory Authority with a view to put a stop to acquisition of agricultural land for other purposes unless it is absolutely essential.

Hence this Bill.

NEW DELHI;
April 18, 2007.

HANSRAJ GANGARAMJI AHIR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the setting up of a Land Acquisition Regulatory Authority. Clause 4 provides for composition of the Authority. Clause 5 provides that the Authority shall perform a number of functions including collection of data on agricultural land. Clause 6 provides that the Authority shall issue no-objection certificate before any acquisition of land is made. Clause 8 provides that the Central Government shall provide adequate funds to the Authority for implementing the provisions of this Act.

The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees one hundred crore would be involved.

A non-recurring expenditure of about rupees ten crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. The rules will relate to matters of detail only. Therefore, the delegation of legislative power is of a normal character.

BILL NO. 59 OF 2007

A Bill to provide for the payment of subsistence allowance to farmers and agricultural labourers in order to provide social security to them and their family members and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Payment of Subsistence Allowance to Farmers and Agricultural Labourers Act, 2007.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "agricultural labourer" means any person who works on land belonging to others for wages in cash or kind having a total family income of not more than rupees three thousand per month from all sources;

(b) "applicant" means a farmer or agricultural labourer who has applied for the subsistence allowance;

(c) "appropriate Government" means the Government of a State or the Central Government, as the case may be;

(d) "family" means the members of a family related to each other by blood, marriage or adoption and normally residing together and sharing meals or holding a common ration card;

(e) "farmer" means any person who owns less than four hectare of agricultural land and includes a share-cropper or a person who cultivates land belonging to others under the tenancy system having a total family income of not more than rupees five thousand per month from all sources; and

(f) "prescribed" means prescribed by rules made under this Act.

Subsistence allowance to the farmers and the agricultural labourers.

3. Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall pay subsistence allowance at the rate of:—

(a) rupees three thousand per month to the farmers, and

(b) rupees one thousand five hundred per month to the agricultural labourers.

Sub-Divisional Officer to work as the nodal officer.

4. (1) The appropriate Government shall appoint an officer not below the rank of Sub-Divisional Officer as the nodal officer for the purpose of identification of beneficiaries under the provisions of this Act.

(2) The nodal officer shall invite applications in such format as may be prescribed for availing of subsistence allowance under the provisions of this Act from amongst farmers and agricultural labourers who,—

(a) are recorded as owners of land not exceeding four hectares in the official documents;

(b) have been working as farmers or agricultural labourers for the last ten years; and

(c) have no other source of income.

Block Development Officer to receive applications.

5. The appropriate government shall designate an officer not below the rank of Block Development Officer for the purpose of receiving applications from farmers/agricultural labourers for payment of subsistence allowance under this Act.

Application for subsistence allowance.

6. Any person who intends to apply for subsistence allowance under this Act, shall apply to the Block Development Officer in such form as may be prescribed for registration of his name.

Block Development Officer to collect and forward the applications.

7. (1) The Block Development Officer shall collect all the applications and forward them to the Sub-Divisional Officer.

(2) The Sub-Divisional Officer shall, after holding such enquiry as he may deem necessary, but, in no case later than thirty days from the date of receipt of applications, either admit or reject the application:

Provided that in case no decision is made on an application within thirty days, the applicant shall be deemed to be eligible for payment of subsistence allowance under this Act.

(3) The Sub-Divisional Officer shall record, in writing, the reasons for rejection of an application, if any, under the Act.

(4) Any applicant aggrieved by the decision of the Sub-Divisional Officer may prefer an appeal to the District Magistrate in such form and manner as may be prescribed.

(5) The procedure for disposing of an appeal shall be such as may be prescribed:

Provided that before disposing of an appeal, the applicant shall be given a reasonable opportunity of being heard.

(6) It shall be the duty of the Sub-Divisional Officer to maintain and publish a *tehsilwise* list of the beneficiaries under the Act once in every six months.

8. The mode of payment of subsistence allowance to the farmers and agricultural labourers and their family members, in case of death of a farmer or agricultural labourer, shall be such as may be prescribed by the Central Government.

Mode of payment to be prescribed.

9. Every State Government/Union territory administration shall set up a special cell at the district and the state level for the purposes of monitoring the implementation of the provisions of the Act.

Every State Government/Union territory administration to set up a special cell.

10. (1) The Central Government shall set up a Fund to be known as the Farmers and Agricultural Labourers Welfare Fund.

Setting up of a Farmers and Agricultural Labourers Welfare Fund.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

(3) There shall also be credited to the Fund such other sums as may be received by way of donation, contribution or assistance.

(4) The fund shall be utilized for carrying out the purposes of this Act.

11. The Central Government shall, after due appropriation made by Parliament in this behalf by law, provide adequate funds for carrying out the purposes of this Act.

Central Government to provide adequate funds.
Penalty.

12. (1) Whoever contravenes the provisions of this Act shall, on conviction, be liable to a fine which may extend to one thousand rupees.

(2) In case the convicted person is an employee of the Central/State Government/Union territory administration, the penalty provided under sub-section (1) shall be in addition to the departmental disciplinary action initiated against him.

13. The provisions of this act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but except as above, the provisions and the rules made under this Act shall be in addition to and not in derogation of any other law for the time being in force.

Act to have overriding effect.

14. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Agriculture is a prominent sector of Indian economy. About two-third population of the country is dependent on agriculture for their livelihood. Recent times have witnessed phenomenal growth in other sectors due to heavy public-private investments. Lack of investment in agriculture has resulted in de-accelerated growth and increase in input-cost of agricultural produce. To overcome the resource constraints, agriculturalists fall back upon loans secured at high rates of interests from banks and financial institutions. Failed crops, ineffective pesticides, poor quality of seeds and high debts have led to multiple incidents of suicides by farmers across the country.

A healthy agricultural sector is essential not only for food security of the nation but also to keep inflation and prices of essential commodities under check. An unprofitable and debt ridden agricultural sector would not be able to provide for even the basic needs of farmers, agricultural labourers and their dependents. Therefore, there is an urgent need to address to the basic needs of the farmers and agricultural labourers.

The Central and State Governments are under constitutional obligation to ensure the survival of the farmers and to provide financial resources for agriculture in order to prevent and further loss of lives.

In view of the above, the farmers and agricultural labourers need the support of the State so that their economic handicap do not come in the way of their survival and social development.

Hence this Bill.

NEW DELHI;
April 26, 2007.

HANSRAJ GANGARAMJI AHIR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for payment of subsistence allowance to the farmers and the agricultural labourers. Clause 9 provides for setting up of special cells at the District and State level for the purposes of monitoring the implementation of the provisions of the Act. Clause 10 provides for setting up of a Farmers and Agricultural Labourers Welfare Fund. Clause 11 provides for provision of funds by the Central Government for carrying out the purposes of the Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees ten thousand crore per annum.

A non-recurring expenditure of rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of detail only.

The delegation of legislative power is, therefore, of a normal character.

BILL NO. 67 OF 2007

A Bill to provide for the setting up of a National Commission for Farmers for their welfare and overall development and for matters connected therewith.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the National Commission for Farmers Act, 2007.
- (2) It extends to the whole of India.
- (3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(i) "Commission" means the National Commission for Farmers set up under section 3;

(ii) "farmer" means any person who cultivates land or causes to be cultivated thereon any agricultural or horticultural product; and

(iii) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall, by notification in the Official Gazette, set up a commission to be known as the National Commission for Farmers.

National Commission for Farmers.

(2) The Commission shall consist of:

(i) a Chairman having special knowledge in the field of agriculture, to be appointed by the Central Government; and

(ii) such number of other members having such qualification as may be prescribed.

(3) The conditions of service, salaries and allowances of Chairman and other members of the Commission shall be such as may be prescribed.

4. The Central Government shall make available such number of officers and staff including experts to the Commission as may be required for its functioning.

Central Government to provide officers and staff for the Commission.

5. The Commission shall perform the following functions:—

Functions of the Commission.

(i) formulate a national policy for the overall development of farmers in the country;

(ii) formulate schemes and programmes for the welfare of farmers particularly those living in drought prone areas and other areas prone to natural calamities;

(iii) formulation and implementation of schemes for the welfare of farmers; and

(iv) such other functions as may be assigned to it by the Central Government.

6. (1) The Central Government shall set up a fund to be known as the Farmers Development Fund to implement the provisions of this Act.

Farmers Development Fund.

(2) The Central Government and State Governments shall contribute to the fund in such ratio as may be prescribed.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Agriculture is the backbone of Indian economy, as it is a major contributor to the Gross Domestic Product (GDP) of our country and seventy percent of our population is dependent on this sector for its livelihood. Agriculture is also important as it ensures food security and is a major source of raw materials for the industrial sector. However, in the recent years this vital sector of our economy has remained neglected. Farmers have borne the brunt of this neglect and it has resulted in a spate of suicides by farmers across the country. The major reason of this being indebtedness, crop failure, poor quality of seeds, spurious pesticides, plant diseases and natural calamities like floods, drought, hailstorms, frosts, etc. On the other hand even if there is a bumper crop, farmers fail to get remunerative price on account of shortcomings of and irregularities committed by State procurement agencies. There are also several infrastructural constraints in storage, distribution and marketing of agricultural produce. At present there is no Government policy comprehensively addressing the hardships faced by the farmers. Although both the Central and State Governments spend huge sums every year to compensate farmers by way of relief, such measures have remained inadequate, primarily due to lack of coordinated efforts on part of the States and Union Government. Consequently, the plight of farmers in the country has remained largely unaddressed. Thus, there is need to provide due security and protection to farmers. The Bill seeks to establish a National Commission for Farmers. While the Commission is to function in general for the protection, benefit and welfare of the farmers, it shall also formulate schemes for the benefit and welfare of the farmers. This measure would have considerable and positive impact on the economic progress of the country in general and the agricultural sector in particular.

Hence this Bill.

NEW DELHI;
August 3, 2007.

RAM KRIPAL YADAV.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the setting up of a National Commission for Farmers. Clause 4 provides that the Central Government shall make available necessary officers and staff for the efficient functioning of the Commission. Clause 6 provides for the creation of a Farmers Development Fund. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees two hundred crore will be involved.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

P.D.T. ACHARY,
Secretary General